

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

JOHN A. SPERTUS, M.D.,

Plaintiff,

Case No. 3:22-cv-00553-wmc

v.

EPIC SYSTEMS CORPORATION,

Defendant.

**DEFENDANT EPIC SYSTEMS CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and the Court's Preliminary Pretrial Conference Order (Dkt. 65), Defendant Epic Systems Corporation respectfully moves this Court for summary judgment dismissing Plaintiff's Complaint with prejudice, and awarding Epic its reasonable attorney's fees. Should the Court not enter summary judgment dismissing the entire Complaint, Epic seeks summary judgment dismissing Dr. Spertus' claims for actual damages and disgorgement of Epic's profits, and his claim that Epic willfully infringed his alleged copyrights.

The factual and legal bases for this motion are set forth in the accompanying Brief in Support, Proposed Findings of Fact, and the Declarations of Jeff Wolanin, James J. Howard, Kevin Arst, Ben Depoorter, Thomas Ramsden, Debra Mariniello, and Bryce A. Loken, and the evidentiary materials cited therein.

Dated this 29th day of September, 2023.

/s/ Kristin Graham Noel

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